

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-45347

JACQUELINE WHITE,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DETERMINING THAT DEBTOR IS NOT BARRED FROM
RECEIVING A DISCHARGE IN THIS CASE**

On March 5, 2008, Debtor filed a voluntary petition for relief under Chapter 13, initiating this case. On October 20, 2009, this case was converted to Chapter 7.

On February 27, 2003, within six years before the filing of this case, Debtor filed a voluntary petition for relief under Chapter 13, initiating Case No. 03-45542. Debtor received a discharge in that Chapter 13 case on July 25, 2007 (Docket # 64).

Section 727(a)(9)(A) of the Bankruptcy Code provides, in relevant part:

The court shall grant the debtor a discharge, unless . . . the debtor has been granted a discharge under section . . . 1328 of this title, . . . in a case commenced within six years before the date of the filing of the petition, unless payments under the plan in such case totaled at least . . . 100 percent of the allowed unsecured claims in such case[.]”

11 U.S.C. § 727(a)(9)(A). The Chapter 13 Trustee’s “Chapter 13 Final Report and Account Paid” in Case No. 03-45542 (Docket # 63) indicates that payments under the plan in that case totaled 100 percent of the allowed unsecured claims.”

Accordingly,

IT IS ORDERED that Debtor is not barred from receiving a discharge in this case (Case No. 08-45347) under 11 U.S.C. § 727(a)(9), even though this case was filed within 6 years after

the filing of the Debtor's prior Chapter 13 case (Case No. 03-45542).

Signed on January 08, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge